

REMARKS

In the non-final Office Action, the Examiner rejects claims 27-29 under 35 U.S.C. § 102(e) as anticipated by SHINOMIYA (U.S. Patent Application Publication No. 2003/0037165); rejects claims 1 and 4-22 under 35 U.S.C. § 103(a) as unpatentable over SHINOMIYA in view of ASAYESH et al. (U.S. Patent No. 6,982,984) and further in view of LEUNG et al. (U.S. Patent No. 6,985,479); rejects claims 23 and 24 under 35 U.S.C. § 103(a) as unpatentable over SHINOMIYA in view of CLARK et al. (U.S. Patent No. 6,442,588); rejects claims 30 and 31 under 35 U.S.C. § 103(a) as unpatentable over ASAYESH et al. in view of LEUNG et al.; and rejects claim 32 under 35 U.S.C. § 103(a) as unpatentable over ASAYESH et al. in view of LEUNG et al. and further in view of SHINOMIYA. Applicant respectfully traverses these rejections.<sup>1</sup>

At the outset, Applicant notes that the Examiner does not address claim 26 in the Office Action. Applicant assumes that the Examiner intended to identify claim 26 as containing allowable subject matter. If Applicant's assumption is incorrect, Applicant respectfully requests that the Examiner clarify the status of claim 26.

REJECTION BASED ON SHINOMIYA

Claims 27-29 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by SHINOMIYA. Applicant respectfully traverses this rejection.

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<sup>1</sup> As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute these assertions/requirements in the future.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. SHINOMIYA does not disclose or suggest the combination of features recited in claims 27-29.

For example, independent claim 27 is directed to a router system that includes a plurality of virtual routers configured to share at least one resource, each of the plurality of virtual routers being associated with a router profile that defines a security level and resource sharing priority for the virtual router; a resource-shared information base configured to maintain the at least one resource; and a resource allocator configured to receive a request for access to the at least one resource and grant access to the at least one resource to one of the plurality of virtual routers based on the security level and resource sharing priority associated with the one virtual router. SHINOMIYA does not disclose or suggest this combination of features.

For example, SHINOMIYA does not disclose or suggest a plurality of virtual routers configured to share at least one resource, where each of the plurality of virtual routers is associated with a router profile that defines a security level and resource sharing priority for the virtual router. The Examiner relies on paras. 0043 and 0045 of SHINOMIYA for allegedly disclosing the above features (Office Action, pg. 2). Applicant respectfully disagrees with the Examiner's interpretation of SHINOMIYA.

At para. 0043, SHINOMIYA discloses:

In FIG. 1, a drawing illustrating an outline of VRRP is shown. As shown in this figure, a plurality of end systems 1-1 to 1-4 such as personal

computers are connected to a virtual router 3 through a hub (or switching hub) 2. The VRRP is applied to such a system. Virtual router 3 is constituted by a plurality of routers (A) 3-1 and (B) 3-2 to be coupled to other networks. Fault tolerant capability is achieved by switching a working router, for example, from router 3-1 to router 3-2 instantly in the event of a fault.

This section of SHINOMIYA, which corresponds to Fig. 1, discloses a system that includes a single virtual router 3, which includes a first router 3-1 and a second router 3-2. This section of SHINOMIYA does not disclose or suggest a plurality of virtual routers, as required by claim 27. Therefore, this section of SHINOMIYA cannot disclose or suggest a plurality of virtual routers configured to share at least one resource, where each of the plurality of virtual routers is associated with a router profile that defines a security level and resource sharing priority for the virtual router, as required by claim 27.

At para. 0045, SHINOMIYA discloses:

On the other hand, in a system where VRRP is introduced, a priority is assigned in each router 3-1, 3-2. Here, higher priority is assigned to the router which is given a real address identical to the IP address of virtual router 3. This router functions as a master router performing real routing processing. As an example, it is assumed that router has high priority, and therefore is assigned as a default master router.

This section of SHINOMIYA discloses a system in which each router 3-1 and 3-2 within a virtual router 3 is assigned a priority. This section of SHINOMIYA does not disclose or suggest a plurality of virtual routers, as required by claim 27. Therefore, this section of SHINOMIYA cannot disclose or suggest a plurality of virtual routers configured to share at least one resource, where each of the plurality of virtual routers is associated with a router profile that defines a security level and resource sharing priority for the virtual router, as required by claim 27.

Applicant respectfully requests that the Examiner either explain how the above sections of SHINOMIYA discloses a plurality of virtual routers configured to share at least one resource, where each of the plurality of virtual routers is associated with a router profile that defines a security level and resource sharing priority for the virtual router, as required by claim 27, or withdraw the rejection.

For at least the foregoing reasons, Applicant submits that claim 27 is not anticipated by SHINOMIYA.

Claims 28 and 29 depend from claim 27. Therefore, these claims are not anticipated by SHINOMIYA for at least the reasons given above with respect to claim 27.<sup>2</sup>

#### REJECTION BASED ON SHINOMIYA, ASAYESH ET AL., AND LEUNG ET AL.

Claims 1 and 4-22 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over SHINOMIYA in view of ASAYESH et al., and further in view of LEUNG et al. Applicant respectfully submits that this rejection is improper.

The present application was filed on March 1, 2002. The LEUNG et al. reference has an effective filing date of March 4, 2002, which is after the filing date of the present application. Thus, the LEUNG et al. reference is not prior art with respect to the present application.

Applicant submits that the disclosures of SHINOMIYA and ASAYESH et al., whether taken alone or in any reasonable combination, do not disclose or suggest the

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<sup>2</sup> As Applicant's remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicant's silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicant to the Examiner's assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.

combination of features recited in claims 1 and 4-22, as the Examiner admits in the Office Action (Office Action, pg. 7).

For at least the foregoing reasons, Applicant respectfully submits that claims 1 and 4-22 are patentable over SHINOMIYA and ASAYESH et al., whether taken alone or in any reasonable combination.

#### REJECTION BASED ON SHINOMIYA AND CLARK ET AL.

Claims 23 and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over SHINOMIYA in view of CLARK et al. Applicant respectfully traverses this rejection.

Independent claim 23 is directed to a method, in a router system, for controlling allocation of a group of shared resources by a plurality of virtual routers. The method includes receiving a request for allocation of one of the shared resources from at least one of the plurality of virtual routers, the request including security information and priority information; determining whether the request is authentic based on the security information; and granting the request when the request is authentic and based on the priority information. SHINOMIYA and CLARK et al., whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, SHINOMIYA and CLARK et al. do not disclose or suggest receiving a request for allocation of one of the shared resources from at least one of the plurality of virtual routers, the request including security information and priority information. The Examiner appears to rely on the Abstract, lines 1-7, and para. 0043 of

SHINOMIYA for allegedly disclosing the above feature of claim 23 (Office Action, pg. 3). Applicant respectfully disagrees with the Examiner's interpretation of SHINOMIYA.

In the Abstract, lines 1-10, SHINOMIYA discloses:

To provide a load sharing system using a virtual router facilitating dynamic load distribution. The load sharing system includes a plurality of equipment units each functioning as a router which constitutes a virtual router having a single common address; and end systems being connected to the network through the virtual router. Among the plurality of routers constituting the virtual router, one equipment unit functioning as a router is assigned as a master router, while the other equipment unit(s) is assigned as a backup router.

This section of SHINOMIYA discloses end systems that is connected to a network through a virtual router. This section of SHINOMIYA does not disclose or suggest a plurality of virtual routers, as required by claim 23. Thus, this section of SHINOMIYA cannot disclose or suggest receiving a request for allocation of one of the shared resources from at least one of the plurality of virtual routers, where the request includes security information and priority information, as required by claim 23.

Para. 0043 of SHINOMIYA is reproduced above. This section of SHINOMIYA, which corresponds to Fig. 1, discloses a system that includes a single virtual router 3, which includes a first router 3-1 and a second router 3-2. This section of SHINOMIYA does not disclose or suggest a plurality of virtual routers, as required by claim 23. Therefore, this section of SHINOMIYA cannot disclose or suggest receiving a request for allocation of one of the shared resources from at least one of the plurality of virtual routers, where the request includes security information and priority information, as required by claim 23.

The disclosure of CLARK et al. does not remedy the above deficiencies in the disclosure of SHINOMIYA. In fact, the CLARK et al. disclosure does not even mention a virtual router.

For at least the foregoing reasons, Applicants submit that claim 23 is patentable over SHINOMIYA and CLARK et al., whether taken alone or in any reasonable combination.

Claim 24 depends from claim 23. Therefore, Applicant submits that claim 24 is patentable over SHINOMIYA and CLARK et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 23.

#### REJECTION BASED ON ASAYESH ET AL. AND LEUNG ET AL.

Claims 30 and 31 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ASAYESH et al. in view of LEUNG et al. Applicant respectfully submits that this rejection is improper.

As set forth above, the LEUNG et al. reference has an effective filing date of March 4, 2002, which is after the filing date of the present application. Thus, the LEUNG et al. reference is not prior art with respect to the present application.

Applicant submits that the disclosure of ASAYESH et al does not disclose or suggest the combination of features recited in claims 30 and 31, as the Examiner admits in the Office Action (Office Action, pg. 5).

For at least the foregoing reasons, Applicant respectfully submits that claims 30 and 31 are patentable over ASAYESH et al.

#### REJECTION BASED ON ASAYESH ET AL., LEUNG ET AL., AND SHINOMIYA

PATENT  
U.S. Patent Application No. 10/085,031  
Attorney's Docket No. ASH01003

Claim 32 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over ASAYESH et al. in view of LEUNG et al., and further in view of SHINOMIYA. Applicant respectfully submits that this rejection is improper.

As set forth above, the LEUNG et al. reference has an effective filing date of March 4, 2002, which is after the filing date of the present application. Thus, the LEUNG et al. reference is not prior art with respect to the present application.

Claim 32 depends indirectly from claim 30. The disclosure of SHINOMIYA does not remedy the deficiencies in the disclosure of ASAYESH et al. admitted by the Examiner with respect to claim 30 (Office Action, pg. 5). Therefore, Applicant submits that claim 32 is patentable over ASAYESH et al. and SHINOMIYA, whether taken alone or in any reasonable combination for at least the reasons given above with respect to claim 30.

For at least the foregoing reasons, Applicant respectfully submits that claim 32 is patentable over ASAYESH et al. and SHINOMIYA, whether taken alone or in any reasonable combination.

#### CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone to expedite prosecution.

PATENT  
U.S. Patent Application No. 10/085,031  
Attorney's Docket No. ASH01003

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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